

HIGH COURT OF CHHATTISGARH, BILASPUR

WP227 No. 684 of 2015

Smt. Shyam Kumari Dhruve W/o. Farasram Dhruve Aged About 50 Years R/o. Village Sonarpal P.S. Bhanpuri District- Bastar (Chhattisgarh)

---- Petitioner

Versus

1. Dayaram Baghel S/o. Pankuram Baghel Aged About 27 Years R/o. Sonarpal Block Division Bastar P.S. Bhanpuri District Bastar (Chhattisgarh)
2. Returing Officer, Polling Booth No. 87, Village Panchayat Sonarpal Election L.Frend Ekka Lecturer At Kanya Shiksha Parisar Parchanpal Bastar Jagdalpur District Bastar (Chhattisgarh)
3. Returning Officer, Polling Booth No. 88 Village Panchayat Election Sonarpal Shri Tulsiram Pandey Upper Division Teacher Medial School Kuruspal Block Division Bastar District Bastar (Chhattisgarh)
4. Returning Officer, Polling Booth No. 89 Village Panchayat Election Sonarpal Shri Kamlesh Sahu Teacher Government High School Sivani Block Division Bastar District Bastar (Chhattisgarh)
5. Returing Officer, Polling Booth No. 90 Village Panchayat Election Sonarpal Shri Bharat Ram Yadav Teacher Primary School Kesharpal Block Division Bastar District Bastar (Chhattisgarh)
6. Miss Madhu Baghel D/o. Rajman Baghel R/o. Village Post Sonarpal Tahsil Bastar P.S. Bhanpuri District Bastar (Chhattisgarh)
7. State Of Chhattisgarh Through Collector Palce Jagdalpur District Bastar (Chhattisgarh)
8. Sub Divisional Officer, (Revenue) Bastar , District Bastar (Chhattisgarh)

---- Respondents

Shri Pravin Kumar Tulsyan, counsel for the petitioner/s.

Ms. Sunita Jain, Panel Lawyer for the State.

Order On Board

08/09/2015

This petition, under Article 227 of the Constitution of India, is preferred against order dated 22/06/15 by which, petitioner's objection to the

maintainability of the election petition has been dismissed.

2. Learned counsel for the petitioner submits that before filing election petition under Section 122 of the C.G. Panchayat Raj Adhiniyam, 1993 (for short (the 'Act of 1993'), a notice under Section 80 of CPC is required to be given to the State as mandated under the provisions of Section 108 of the Act of 1993.

3. In the provisions of Section 108 of the Act of 1993 notice is required to be given to the State. The election petition is directed against the election of the elected candidate. It is not a suit against the Government. The objection to the maintainability of the election petition has been rightly dismissed. I do not find any merit in this petition. The petition is therefore dismissed.

Sd/-

Manindra Mohan Shrivastava
Judge